

Shaping the Future of Personal Data Protection

ANNUAL REPORT 2013/14





OUR MISSION

To promote and enforce personal data protection so as to foster an environment of trust among businesses and consumers, contributing to a vibrant Singapore economy.

Contents

- 03 Chairman's Message
- 05 Behind The Act
- 09 Commission Members
- 11 Advisory Committee
- 13 Getting The Act Together
- 17 From Act to Action

Chairman's Message

Since the establishment of the Commission on 2 January 2013, we have been laying the groundwork for the implementation of the Personal Data Protection Act (PDPA) in Singapore. Strengthening trust between consumers and businesses is a key ingredient in the new economy for Singapore to sustain our competitive edge in being a world-class hub for data activities.

Increasingly sophisticated technologies are changing the ways organisations and customers interact; the migration of data from offline to online networks, as well as the pervasiveness of data being used and exchanged every day, also creates new challenges in areas of data governance. Consumers today are increasingly aware and concerned about the way their personal data are collected, used and shared.

Hence, it is timely to introduce the PDPA in Singapore to protect individuals and to allow them greater control over the use of their personal data. Equally important, the PDPA also aims to enable organisations to innovate, build trust with consumers, and continue to use consumers' personal data for legitimate purposes.

To help ease organisations into the new Act, an 18-month transition period, from January 2013, was put in place. During this period, we focused our efforts on educating organisations about the importance of data protection and the requirements of the PDPA, so that they may prepare and put in place processes to protect the personal data of their members, customers and employees. We are heartened that many sectors, including finance, retail, telecommunications, healthcare, social services and education, among others, have stepped forward to work closely with the Commission to build data protection capabilities for their organisations. We will continue to engage businesses to ensure that our policies and regulations remain relevant to them in this digital age.

The setting up of the Do Not Call (DNC) Registry, in particular, has garnered a lot of interest. Before its launch on 2 January this year, the Commission carried out a public consultation from May to June in 2013 to seek feedback from the ground on the operational rules of the DNC Registry. The Commission took the feedback into consideration and refined the operation of the DNC Registry. As a result, organisations are generally able to carry out their telemarketing activities and consumers are also able to register their telephone numbers on the Registry with ease through multiple platforms.

We are pleased that since its set-up, we have nearly 2,000 organisations on board with over 60 million telephone numbers checked against the Registry. The Registry has been able to return checked numbers well within the expected 24-hour turnaround time. This has helped organisations to remain compliant with the PDPA while maintaining efficiency in their marketing operations.

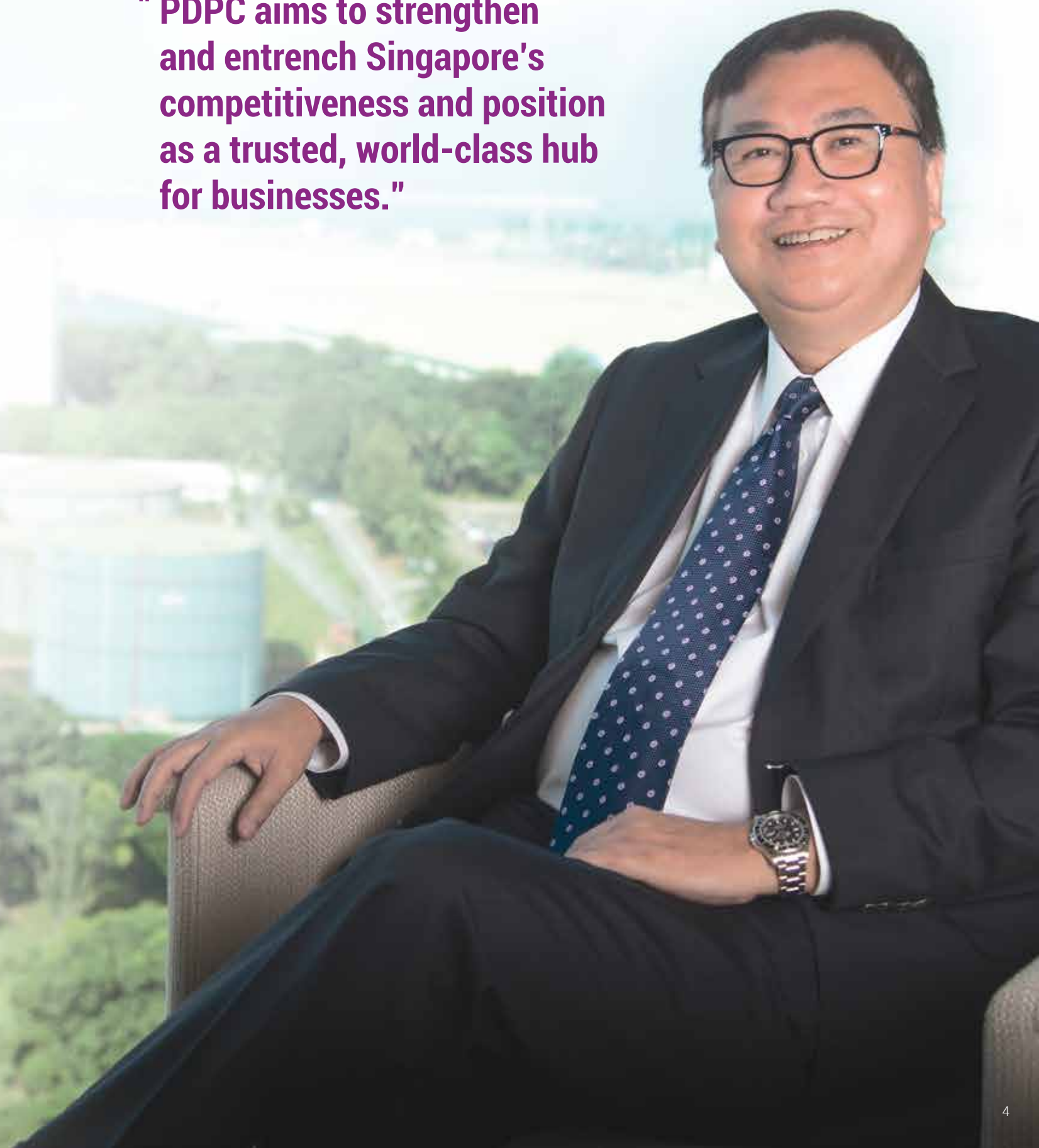
On the consumer front, a survey carried out in March this year revealed that consumers who used the DNC Registry found the system to be very user-friendly. Most importantly, the majority of consumers noticed a decrease in the number of unsolicited telemarketing messages, and felt that the DNC Registry was a positive initiative that has further helped to protect their personal data from misuse. While we have received some complaints about organisations that have not observed the DNC requirements, we are pleased to note that most of the organisations approached during our investigations were cooperative and took prompt steps to correct their practices. The Commission will continue to regulate and effectively enforce the Act to ensure compliance.

I would like to thank our Advisory Committee who has provided invaluable advice and guidance to the Commission in various aspects of our work, and our industry partners who stood by our call for good personal data management and provided us effective platforms for close engagements with their respective stakeholders.

Looking forward, the Commission remains committed to advocating good management of personal data by organisations. Bearing in mind that the data protection landscape is an ever-changing one, we will continue to work with industry leaders and regulators to develop, refine and ensure relevance of our guidelines and policies. We will also expand our collaborations with trade partners to provide relevant training and mediation options, as well as engage international agencies to facilitate cross-border collaboration and co-operation.

Mr Leong Keng Thai
Chairman
Personal Data Protection Commission

" PDPC aims to strengthen and entrench Singapore's competitiveness and position as a trusted, world-class hub for businesses."



Behind the Act

The Personal Data Protection Commission serves as the authority on matters relating to personal data protection in Singapore, to safeguard individuals' personal data against misuse and promote proper management of personal data in organisations.



Behind The Act

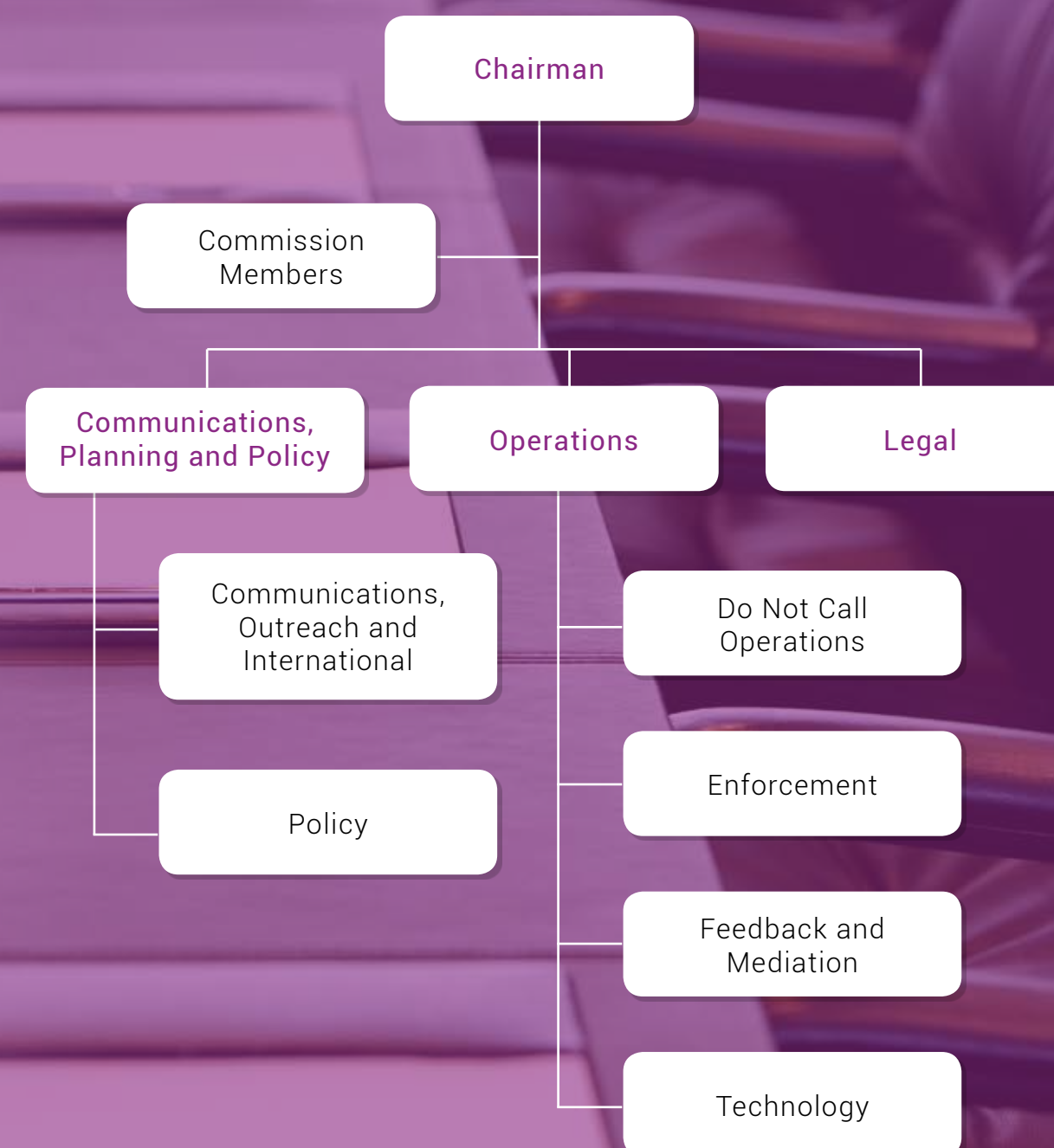
In administering and enforcing the Personal Data Protection Act 2012 (PDPA), the Commission aims to balance the need to protect individuals' personal data and the needs of organisations to use the data for legitimate purposes.

The Commission formulates and implements policies relating to the protection of personal data, including developing regulations and advisory guidelines, to help organisations better understand and comply with the PDPA.

Beyond data protection regulation, the Commission also undertakes public and sector-specific educational and outreach activities to help organisations adopt good data protection practices and to help individuals better understand how they may protect their own personal data from misuse.

In addition, the Commission oversees the development and operation of the Do Not Call (DNC) Registry, to help individuals reduce the number of unsolicited telemarketing calls, text messages and faxes that they receive, and to help increase consumer confidence and trust in organisations.

Organisation Structure



Commission Members

The members of the Commission are appointed by the Minister for Communications and Information to lead the strategic direction of the personal data protection regime.



1 **Chairman**
Mr Leong Keng Thai
Deputy Chief Executive and Director-General
(Telecoms and Post),
Infocomm Development Authority of Singapore

2 **Ms Aileen Chia**
Assistant Chief Executive and Deputy Director-General
(Telecoms and Post),
Infocomm Development Authority of Singapore

3 **Mr Ong Tong San**
Cluster Director (Competition and
Resource Development),
Infocomm Development Authority of Singapore

4 **Mr Amos Tan**
Director (Strategy and Innovation),
Infocomm Development Authority of Singapore

5 **Ms Koh Li-Na**
Assistant Chief Executive,
Early Childhood Development Agency



Advisory Committee

The Data Protection Advisory Committee has been appointed by the Minister for Communications and Information to advise the Commission on matters relating to the review and administration of the personal data protection framework.

Chairman
Ms Liew Woon Yin
Director, Abundanti

Mr Tan Kai Hoe
Chief Executive Officer,
SPRING Singapore

Mr Arun Mahizhnan
Special Research Adviser at the
Institute of Policy Studies

Mr Lim Biow Chuan
President, Consumers
Association of Singapore

Professor Simon Chesterman
Dean and Professor of Law,
National University of Singapore

Mr Ho Meng Kit
Chief Executive Officer,
Singapore Business Federation

Ms Hoo Sheau Peng
Deputy Chief Counsel (Advisory
and Administration), Civil Division,
Attorney General's Chambers

Mr Lim Chin Hu
Managing Partner,
Stream Global Pte Ltd

Getting the Act Together

Individuals have a right to protect their personal data. Yet consumer data is valuable to businesses for predicting future trends and consumer behaviours, which would allow businesses to perform predictive analysis. The PDPA aims to balance the needs of both individuals and organisations and ensure a baseline standard of protection for personal data.



Getting The Act Together



Objectives of the PDPA

Today, vast amounts of personal data are collected, used and transferred across organisations for a variety of business reasons. This trend is expected to grow exponentially as processing and analysis of large amounts of personal data become possible with the adoption of increasingly sophisticated technology.

With such a trend comes growing concerns from individuals about how their personal data is being used. Hence, a data protection regime to govern the collection, use and disclosure of personal data is necessary to address these concerns and to maintain individuals' trust in organisations that manage their data.

By regulating the flow of personal data among organisations, the PDPA also aims to strengthen Singapore's competitiveness and position as a trusted hub for data hosting and management activities.

How the Regime Works

The PDPA will ensure a baseline standard of protection for personal data across the economy by complementing sector-specific legislative and regulatory frameworks. This means that organisations will have to comply with the PDPA as well as the common law and other relevant laws that are applied to the specific industry that they belong to, when handling personal data in their possession.

When the PDPA Came into Effect

The PDPA took effect in phases starting with the provisions relating to the formation of the Commission on 2 January 2013. Provisions relating to the DNC Registry came into force on 2 January 2014 and the main data protection rules on 2 July 2014. This allowed time for organisations to review and adopt internal personal data protection policies and practices, to help them comply with the PDPA.

Application of the PDPA

The PDPA covers personal data stored in electronic and non-electronic forms, collected, used and disclosed by organisations.

The data protection requirements in the PDPA generally do not apply to:

- Any individual acting in a his or her personal or domestic capacity.
- Any employee acting in the course of his or her employment with an organisation.
- Any public agency or an organisation in the course of acting on behalf of a public agency in relation to the collection, use or disclosure of the personal data.
- Business contact information.

These rules are intended to be the baseline law which operates as part of the law of Singapore. It does not supersede existing statutes but will work in conjunction with them and the common law.

From Act to Action

Since its formation on 2 January 2013, the Commission has been actively creating awareness and increasing understanding of the PDPA amongst the business community through a series of corporate events and outreach activities, and addressing concerns from both organisations and individuals via multiple channels.



Milestones

Jan
2013



Setting up of the Commission

Set-up of the Commission and launch of corporate website to provide information about personal data protection for both individuals and organisations.

Jun
2013

Rollout of holistic 1-day PDP workshops

Rollout of holistic 1-day PDP workshops that aim to provide data protection officers with an understanding of the PDPA and how the obligations apply to their organisations.



Dec
2013



Early registration on Do Not Call Registry

Early registration for the public on the DNC Registry. Organisations are also given a head start in creating accounts and purchasing credits for checking.

Jan
2014



Official launch of the Do Not Call Registry

Official launch of the DNC Registry.



Launch of the Commission at the Inaugural Personal Data Protection Seminar

Launch of the Commission at the inaugural Personal Data Protection (PDP) seminar offering insights on the implementation of data protection from global and local perspectives.

May
2013

Issuance of Advisory Guidelines

Issuance of first set of advisory guidelines on key concepts of the PDPA and selected topics such as anonymisation, employment and online activities.



Issuance of Do Not Call business rules

Issuance of DNC Registry's business rules to help organisations adjust their telemarketing processes.

Sep
2013



Public Consultation on first set of Sectoral Guidelines

Public consultation on first set of sectoral guidelines for the real estate and telecommunications sectors.

Feb
2014

From Act to Action

1 Official launch of the Commission at the Inaugural PDP Seminar in May 2013

Left to right:
Mr Ronnie Tay, then-CEO, IDA
Mr Aubeck Kam, Permanent Secretary, MCI
Dr Yaacob Ibrahim, Minister for Communications and Information, MCI
Mr Leong Keng Thai, Chairman, PDPC
Ms Liew Woon Yin, Chairman, DPAC

2 First public briefing on the DNC business rules in Sep 2013

3 Hands-on training during the PDP Workshop



CORPORATE EVENTS

Inaugural PDP Seminar

The Commission held its inaugural PDP Seminar on 15 May 2013. The PDP Seminar is an annual event that provides a unique opportunity for global and local business leaders, personal data protection commissioners and professionals, and academia to exchange views and insights on personal data protection laws, frameworks and practices adopted around the world and in Singapore.

The event was graced by Minister for Communications and Information, Dr Yaacob Ibrahim, and attended by over 400 international and local guests.

The theme was "Data Protection Trends, Challenges and Benefits for Businesses Today". Keynote speaker, Australia's Privacy Commissioner, Mr Timothy Pilgrim, provided a global perspective on data protection and how good data protection and business can work together to gain consumers' trust and strengthen organisations' reputation. The Commission also invited industry representatives from Microsoft Singapore and the Direct Marketing Association of Singapore, to share their data protection experiences.

OUTREACH

Partnerships with trade associations

PDPC established relationships with



57
Associations

with membership base of about 27,000 organisations through industry engagement

Direct industry and outreach engagement to raise awareness of the personal data protection framework started as early as February 2012, after two rounds of public consultation on the proposed data protection regime and the DNC Registry. Key sectors and trade associations such as the Association of Banks in Singapore, Singapore Business Federation, Life Insurance Association, Singapore Accredited Estate Agencies, Direct Marketing Association of Singapore, Singapore Retailers Association and Singapore Medical Association were actively engaged.

The Commission also collaborated with SPRING Singapore's five Small and Medium Enterprise (SME) Centres to help SMEs understand the requirements of the PDPA as part of the regular advisory clinics.

Briefings and workshops



11,000
Participants

from 2,000 organisations attended the PDP briefings and seminars

Between July 2013 and March 2014, more than 2,000 data protection officers have attended the PDP workshop.

Briefings and seminars conducted by the Commission have been well-received. The first PDP workshop was conducted in July 2013 to provide more interactive and hands-on training to help data protection officers gain in-depth understanding and develop specific data protection action plans for their organisations.



From Act to Action



1,2 CASE Consumer Rights Day on 15 March 2014

Consumer Education

On the consumer front, education efforts were ramped up towards the end of 2013, in preparation for the launch of the DNC Registry. To heighten awareness and increase reach to consumers, the Commission worked with partners such as the Consumers Association of Singapore (CASE), the Infocomm Development Authority of Singapore and the National Library Board Singapore to organise a series of activities for members of the public.

In support of the World Consumer Rights Day organised by CASE in March 2014, the Commission engaged 2,000 members of the public with exhibits and educational materials on their role in protecting their own personal data. The exhibits were subsequently roved to schools and various community events to promote greater awareness of the PDPA among the young and elderly. The Commission also worked with several Town Councils to educate their constituents about the PDPA through activities such as publishing articles on their newsletters.

Educational Resources

 **350,000**
Web visits
since end March 2014

The Commission has also developed various print publications and videos to help organisations and individuals understand the Act. Consumer collaterals, such as leaflets and video clips on the DNC Registry, were produced in four main languages. The educational materials were distributed at various outreach events and can also be found on the PDPC corporate website at www.pdpc.gov.sg.

Informal Guidance

The Commission responded to requests for greater clarity on how the PDPA may apply to unique or complex scenarios or issues faced by organisations in the form of informal guidance.

The Commission's goal in providing informal guidance is to further reduce the uncertainties an organisation may face with respect to its compliance with the PDPA under different situations.

Based on information provided by an organisation, the Commission provides informal guidance to:

- Highlight provisions of the PDPA that may be particularly relevant to the issues raised by the organisation in its application
- Highlight aspects of an organisation's operations or business arrangements observed by the Commission that may not be in compliance with the PDPA
- Suggest practical steps that the organisation could take to better ensure compliance

Feedback & Enquiries

Organisations and the general public can contact the Commission through various channels, such as sending an email or calling the hotlines, for the Commission to help address their enquiries and to provide feedback.

2 January 2013 - 31 March 2014

Number of enquiries and feedback by



Email

8,694



Phone

5,237

Number of enquiries and feedback by



Members of public

67%



Organisations

33%



Popular Topics

- Do Not Call related matters
- Enforcement and penalty
- General obligations under the PDPA , such as obtaining consent

From Act to Action

Surveys

Two surveys were conducted by the Commission in March 2014 to find out more about the awareness and readiness of organisations to comply with the PDPA, and consumers' awareness of the DNC Registry and the ease of registration with the Registry.

Organisations

1,000 companies from various sectors such as banking, insurance, tourism, hospitality and retail, information and communications, healthcare, real estate, social service and education, responded to the survey through email, telephone and face-to-face interviews.



More than 80% are aware of DNC requirements and how the DNC Registry works



7 in 10 organisations are aware of their PDP obligations

Organisations generally agree that complying with PDPA would result in:



70%

building consumer confidence



68%

better protection for cross border transfer of information



58%

improvement of corporate governance

Consumers

A representative sample of 1,000 respondents aged 13 years old and above was interviewed through a street intercept survey in various parts of Singapore on their views of the DNC requirements.



7 in 10 respondents noticed a reduction in the number of telemarketing messages received



saw improvement in organisations' practices, such as obtaining consent for telemarketing and including their contact information in the telemarketing messages sent



43%

of the respondents indicated that they would like to continue receiving such messages from organisations they have an ongoing relationship with



97%

of respondents who registered their telephone numbers with the DNC Registry said their registration process had been smooth



84%

of the respondents indicated that the DNC Registry is a good initiative to protect consumers' personal data from misuse.

Advisory Guidelines

In February 2013, the Commission conducted public consultation on a set of guidelines it developed on key concepts adopted and selected topics covered under the PDPA. The guidelines elaborate on and provide illustrations for the key obligations and interpretation of key terms in the PDPA, as well as applications to particular issues, such as personal data captured by closed-circuit television (CCTV) cameras and the collection, use or disclosure of NRIC information. The final documents were published in May 2013 to assist organisations in their implementation of the PDPA.

In May 2013, the Commission also proposed a set of business rules relating to the DNC Registry for public feedback. The proposed business rules included proposals on the methods and requirements on how an individual could check his or her telephone number with the DNC Registry, the process on how an organisation could access and check the DNC Registry, the format of results returned and the charges to be levied. The final DNC business rules were published in September 2013, ahead of the launch of the DNC Registry.

In January 2014, the first two sets of sector-specific guidelines that were released for public consultation captured sector specific issues and scenarios encountered by organisations in the real estate and telecommunication sectors. The consultation closed for deliberation in mid February 2014.

From Act to Action



Do Not Call Registry

The aim of the DNC Registry is to help individuals reduce the number of unwanted telemarketing calls, text messages and faxes they receive. This in turn benefits organisations by allowing them to filter out individuals who prefer not to receive such promotions and focus on those that do.

The Commission invited about 20 organisations and more than 20,000 individuals to participate in the pilot for the DNC Registry in November 2013, before its official launch on 2 Jan 2014.

The performance of the DNC Registry system exceeded expectations by returning the list of telephone numbers that organisations submitted for checking well within the projected 24-hour turnaround time.

More than :



570,000
Unique Numbers
registered in various Registers



1,900
Organisations
had created an account



62 million
Numbers
checked by organisations

2 January 2014 - 31 March 2014

Enforcement

From 2 January to 31 March 2014, the Commission had censured multiple organisations for not adhering to the DNC requirements. The organisations were from sectors such as private education, real estate, banking, retail, insurance and telecommunications.

When deciding on the enforcement action to take for each case, the Commission considers various factors such as the seriousness of the breach, whether the sending of unsolicited telemarketing messages were isolated incidents, the number of complaints against the organisation and whether the organisation had been co-operative.

While the Commission ensures effective enforcement of the PDPA, it will also continue to promote compliance. This will be done by providing guidance to organisations on their data protection obligations to drive greater awareness and understanding of the PDPA.

International Engagement

As part of international engagement, the PDPC was represented at several international platforms in 2013, notably the 39th Asia Pacific Privacy Authorities (APPA) Forum hosted in Auckland, the International Conference for Data Protection and the Privacy Commission and Global Privacy Enforcement Network (GPEN) which were both hosted in Warsaw, Poland. The Commission will continue to closely monitor global developments in data protection laws and frameworks, particularly developments in the Asia Pacific Economic Cooperation and European Union regions.



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